

Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 75 – Food Protection

CHAPTER 02 FOOD CODE

100 Purpose

This regulation consists of requirements for the design, construction, management and operation of food service establishments. It provides for plans submission and approval, issuance of permits, and collection of fees. The requirements are to safeguard the public health.

101 Authorization

The Mississippi State Department of Health is authorized to promulgate these regulations under and by virtue of Sections 41-3-15(4)(I)(I) and 41-3-17 of the Mississippi Code of 1972, Annotated.

102 Adoption of the Food Code

This Regulation adopts by reference the current revision of the Food Code, Recommendations of the United States Public Health Service / Food and Drug Administration, as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

103 Insertions and Changes to the FDA Food Code

103.01 Chapter 1, Subpart 1-201.10 (B)(36)(a):

"Food Establishment" means an operation that stores, prepares, packages, serves, vends or otherwise provides FOOD for human consumption (for pay):

Chapter 1, Subpart 1-201.10 (B)(36)(b)(ii):

An operation that is conducted in a mobile, stationary, temporary or permanent facility or location; where consumption is on or off the PREMISES.

103.02 Chapter 2, Subpart 2-101.11: Assignment:

The PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation. The permit holder, or his/her designee, must have successfully completed a manager certification course approved by the Regulatory Authority. This course shall include knowledge as specified in 2-102.11. This shall be effective for any new

facility from July 1, 1998. It shall be effective for existing facilities from January, 1999.

103.03 Chapter 3, Subpart 303-1.11: Preventing Contamination from Hands:

(B) Except when washing fruits and vegetables as specified under § 3-302.15, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE-USE gloves, or dispensing EQUIPMENT.

103.04 Chapter 8, Subpart 8-403.10: Documenting Information and Observations.

(C) Letter grades for scheduled inspections shall be assigned and posted accordingly:

A = no critical violations noted.

B = critical violations are noted and are corrected at time of inspection.

C = critical violations are noted that are not corrected at time of inspection or repeat critical violations are noted.

103.05 Chapter 8, Subpart 8-403.50: Public Information:

(B) Post the current Food Permit/Inspection Record in a location in the food establishment conspicuous to consumers, as directed by the Health Authority.

103.06 Chapter 8, Subpart 8-405.11: Timely Correction:

(C) When the same critical violation is identified during a subsequent inspection within a 12-month period, establishment management is required to develop a "Risk Control Plan" to prevent the recurrence of the same hazard.

103.07 The following Annexes to the Food Code are hereby inserted as Appendices of this Regulation:

1. *Annex 1. Compliance and Enforcement*
2. *Annex 3. Public Health Reasons*
3. *Annex 5. HACCP Guidelines*
4. *Annex 6. Food Processing*

103.08 Annex 1, Subparagraph 8-801.10: Conditions Warranting Remedy

The REGULATORY AUTHORITY may seek an administrative or judicial remedy to achieve compliance with the provisions of this Code if a PERSON operating a FOOD ESTABLISHMENT or EMPLOYEE: (A) Fails to have a

valid permit to operate a FOOD ESTABLISHMENT as specified under 8-301.11. After providing due notice and opportunity for a hearing in writing, the REGULATORY AUTHORITY may assess any PERSON who violates this requirement, a monetary penalty of up two hundred and fifty dollars (\$250) for the first violation, up to five hundred dollars (\$500) for a second violation, and up to one thousand dollars (\$1,000) for each subsequent violation. No monetary penalty shall be assessed against any PERSON whose gross annual prepared food sales are less than Five Thousand Dollars (\$5,000). It shall be the responsibility of the PERSON IN CHARGE of the FOOD ESTABLISHMENT to provide proof of exemption from monetary penalties to the REGULATORY AUTHORITY in the form of copies of all sales tax reports for prepared food sales from the previous twelve (12) months of operation. (C) Allows serious or repeated code violations to remain uncorrected beyond time frames for correction APPROVED, directed, or ordered by the REGULATORY AUTHORITY under 8-405.11(A), (B) and (C), and 8-406.11(A) and (B);

103.09 Annex 1, Subparagraph 8-804.10: Conditions Warranting Action:

The REGULATORY AUTHORITY may summarily suspend a PERMIT to operate a FOOD ESTABLISHMENT:

(A) If it determines through inspection or examination of EMPLOYEES, FOOD, records or other means as specified in this Code, that an IMMINENT HEALTH HAZARD exists, or (B) when 6 or more critical items have been identified during the two most recent routine inspections of a FOOD ESTABLISHMENT.

103.10 Annex 1, Subparagraph 8-811.10: Authorities, Methods, Fines and Sentences:

(B)(1) A fine of not more than \$500 dollars, or by imprisonment not exceeding 1 year, or both the fine and imprisonment.

103.11 Annex 1, Subparagraph 8-811.10(B)(2)

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103.12 Annex 1, Subparagraph 8-813.10(B)

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